

REMARKS

Reconsideration of the present application is respectfully requested.

Claims 14-26 are pending in the application, of which Claims 14, 21, 23 and 25 are written in independent form. It is gratefully acknowledged that the Examiner objected to Claim 18 as being dependent on a rejected base claim, but would allow Claim 18 if rewritten in independent form to include all of the limitations of the base claim and any intervening claims.

In the Office Action, the Examiner objected to Claim 14 for informalities. The Examiner rejected Claims 14-17 and 19-26 under 35 U.S.C. §103(a) as being unpatentable over U.S. Publication No. 2002/0025815 to *Rune et al.* (hereinafter *Rune*) in view of U.S. Patent No. 6,701,155 to *Sarkkinen et al.* (hereinafter *Sarkkinen*).

Regarding the objection, Applicants respectfully assert that the recitation “an MBMS” includes the grammatically correct article “an” in this instance, and therefore is not informal. Particularly, it is respectfully asserted that when spoken, “an MBMS” is grammatically preferred over the recitation “a MBMS”. Accordingly, it is respectfully submitted that the claim objection should be withdrawn, and withdrawal of the same is respectfully requested.

Regarding the §103(a) rejection, the Examiner alleged that the reference teaches each and every element in Claim 14 except performing switching channel type between the P-t-M channel and the P-t-P channel based on a number of users having the MBMS service in the cell. Applicants respectfully traverse.

Generally, Claims 14-24 are directed to a channel type switching method for a multimedia broadcast and multicast service (MBMS) point to point (P-t-P) and point to multi point (P-t-M) channel. Claims 25-26 are similarly directed to a data communication channel establishment method for setting up MBMS.

Specifically, Claim 14 recites, *inter alia*, determining in the DRNC, to perform switching channel type between the P-t-M channel and the P-t-P channel based on a number of users having the MBMS service in the cell, and notifying the SRNC of the determined MBMS channel type from the DRNC.

In paragraph 3 on page 3 of the Office Action, the Examiner alleged that the foregoing recitation "notifying the SRNC of the determined MBMS channel type from the DRNC," corresponds to the feature taught in *Rune* that, "when the request message 3-1 is received at DRNC 26(2), resource allocation process 90 perform step 90-2 which means determining in the DRNC, and sending the requested channel switching-related information to SRNC in the form of response message 3-2".

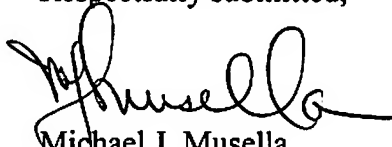
However, as previously set forth in the Response dated October 26, 2007, step 90-2/100-3 illustrated in Fig. 3 does not teach transmitting "a determined MBMS channel type". That is, the response message 3-2 transmitted from the step 100-3 is channel-switching related information, merely includes C-RNTI and Requested radio/network resource, and does not indicate the MBMS channel type determined by DRNC. Moreover, it is respectfully asserted that step 90-2 only teaches gathering and sending the requested channel switching-related information, but does not teach transmitting, "by DRNC, the determined MBMS channel type".

Respectfully, independent claims 14, 21, 23, and 25 are directed to notifying the SRNC of the determined MBMS channel type from the DRNC, but clearly, *Rune* fails to teach the same, contrary to the rejection. Moreover, *Rune* fails to teach that channel switching related information transmitted from a DRNC to an SRNC corresponds or relates to an MBMS channel type determined from a DRNC. In addition, *Sarkkinen* fails to cure the stated deficiencies in *Rune*, and the combination of *Rune* in view of *Sarkkinen* fails to teach or fairly suggest each and every recitation in the rejected claims, and thus fails to render obvious Claims 14-17 and 19-26 under §103(a) scrutiny. For at least these reasons, Applicants respectfully request withdrawal of the §103(a) rejection of Claims 14-17 and 19-26.

Independent Claims 14, 21, 23 and 25 are believed to be in condition for allowance. Without conceding the patentability per se of dependent Claims 15-20, 22, 24 and 26, these are likewise believed to be allowable by virtue of their dependence on their respective amended independent claims. Accordingly, reconsideration and withdrawal of the objection to dependent Claim 18 and the rejections of dependent Claims 15-17, 19-20, 22, 24 and 26 is respectfully requested.

Accordingly, all of the claims pending in the Application, namely, Claims 14-26, are believed to be in condition for allowance. Should the Examiner believe that a telephone conference or personal interview would facilitate resolution of any remaining matters, the Examiner may contact Applicants' attorney at the number given below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Musella", with a stylized flourish at the end.

Michael J. Musella
Reg. No. 39,310
Attorney for Applicants

THE FARRELL LAW FIRM
333 Earle Ovington Blvd. Suite 701
Uniondale, New York 11553
Tel: (516) 228-3565
Fax: (516) 228-8475

PJF/RCC/dr